

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

PATRICIA WAGNER,)	4:13CV3006
)	
Plaintiff,)	MEMORANDUM
v.)	AND ORDER
)	
KEVIN CAMPBELL, <i>et al.</i> ,)	
)	
Defendants.)	
)	

This matter is before the court on the findings and recommendation filed by Magistrate Judge Cheryl R. Zwart on April 29, 2013 (filing [33](#)). Judge Zwart recommends (1) that the plaintiff's motion for remand (filing [24](#)) be denied, (2) that the plaintiff's motion to dismiss all official-capacity claims (filing [7](#)) be granted, and (3) that the plaintiff's motion to dismiss all individual defendants except Kevin Campbell (filing [29](#)) be granted.

No objections have been filed to the findings and recommendation within the time permitted by [28 U.S.C. § 636\(b\)\(1\)](#). In any event, I have conducted a de novo review and find that Judge Zwart has correctly found the facts and applied the law. Her findings and recommendation therefore will be adopted.

Accordingly,

IT IS ORDERED:

1. The magistrate judge's findings and recommendation (filing [33](#)) are adopted.

2. The plaintiff's motion to remand (filing [24](#)) is denied.

3. The plaintiff's motion to dismiss all official-capacity claims (filing [7](#)) is granted.
4. The plaintiff's motion to dismiss all individual defendants except Kevin Campbell (filing [29](#)) is granted.
5. There being no just reason for delay, judgment shall be entered by separate document dismissing without prejudice all claims alleged against all defendants except claims alleged against Kevin Campbell in his individual capacity only.
6. This action shall proceed on the amended complaint (filing [28](#)) that the plaintiff has filed against Kevin Campbell in his individual capacity.
7. The defendants' motion to dismiss the original complaint (filing [26](#)) is denied without prejudice, as moot.¹

May 22, 2013.

BY THE COURT:

Richard G. Kopf
United States District Judge

¹ The defendants have also responded to the amended complaint with a motion to dismiss (filing [30](#)). That motion will be ruled upon by the court in a subsequent memorandum and order.